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DRAFTED BY: AF/C: KCAISTON  
APPROVED BY: AF/C: RJFENDRICK

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O 172330Z MAY 95  
FM SECSTATE WASHDC  
TO AMEMBASSY KIGALI IMMEDIATE

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FOR CHARGE FROM AF/C - K. AISTON

E.O. 12356: N/A  
TAGS: AMGT  
SUBJECT: OFFICIAL - INFORMAL

BELOW ARE BRIEFING MATERIALS PREPARED BY VARIOUS OFFICES  
FOR A/S SHATTUCK'S VISIT. PLEASE NOTE THAT THE TALKING  
POINTS FOR ADMINISTRATION OF JUSTICE WERE NOT READY  
BEFORE A/S SHATTUCK'S DEPARTURE AND WERE FAXED BY DRL TO  
NAIROBI. YOU MAY WANT TO PASS A/S SHATTUCK THE CABLED  
VERSION OF THOSE POINTS TO MAKE SURE HE HAS THEM. WE  
HAVE ALSO JUST FOUND OUT THAT A/S SHATTUCK WAS GIVEN AN  
UNCLEARED BRIEFER ON UNAMIR MANDATE RENEWAL. HE SHOULD  
NOT USE THAT BRIEFER, AS THE USG DOES NOT HAVE AN AGREED  
POSITION YET TO SHARE WITH OTHER DONORS OR THE GOR. WE

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WILL TRY TO GET OUT A SHORT FRONT CHANNEL TO THAT EFFECT.

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ADMINISTRATION OF JUSTICE  
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BACKGROUND  
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1. ARRESTS

A. ISSUE: ARREST PROCEDURES SHOULD FOLLOW RWANDAN LAW  
AND INTERNATIONAL NORMS OF DUE PROCESS.

USG POSITION: AID'S AOJ PROJECT WILL ADDRESS SOME OF THE  
TECHNICAL AND PERSONNEL OBSTACLES IN THE ARREST  
PROCEDURE. AID'S TEAM OF TECHNICAL EXPERTS THAT HAS BEEN  
IN RWANDA SINCE MID-MARCH HAS IDENTIFIED PRACTICAL WAYS  
THE USG CAN HELP THE JUSTICE SYSTEM AND ARE NOW  
DEVELOPING THE DETAILS OF HOW TO BEST USE THE 4M OF  
ASSISTANCE.

THE SPECIFICS OF THE AID PROGRAM ARE BEING DEVELOPED IN  
AN ACTION PLAN FOR THE NEXT 12 MONTHS AND WILL TURN ON  
HOW AID ADDRESSES (660'S PROHIBITION.

HOWEVER, FOR THIS ASSISTANCE TO BE EFFECTIVE THE GOR  
NEEDS TO TAKE THE FOLLOWING STEPS:

CLARIFY THE PROPRIETY OF PAST ARRESTS. (MANY ARRESTS  
FOLLOWING THE WAR DID NOT FOLLOW RWANDAN CRIMINAL  
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PROCEDURE.) THE MOJ HAS PROPOSED A LAW TO ADDRESS THIS  
ISSUE.

TIMELINE: DETERMINE WHEN NATIONAL ASSEMBLY WILL ACT ON  
THE MOJ PROPOSAL.

PROVIDE CLEAR GUIDANCE TO ARRESTING OFFICERS ON THE  
PROPER PROCEDURES.

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TIMELINE: ACCOMPLISH WITHIN 1 MONTH.

DIRECT ARRESTING OFFICERS (ESPECIALLY GENDARMERIE AND BOURGMESTERS) TO WORK UNDER SUPERVISION OF PROSECUTORS AND MOJ.

TIMELINE: ACCOMPLISH WITHIN 1 MONTH.

B. ISSUE: SPECIFY ARREST STANDARDS IN ORDER TO DECREASE THE NUMBER OF PEOPLE ARRESTED.

USG POSITION: WE HAVE PREVIOUSLY ASKED THE GOR TO LIMIT THEIR ARRESTS TO "KEY" CRIMINALS INVOLVED IN THE GENOCIDE AND, IN PARTICULAR, TO AVOID ARRESTING WOMEN, CHILDREN AND THE ELDERLY. THIS MESSAGE WAS LAST DELIVERED BY A/S MOOSE AND AMBS. FRIEDMAN AND RAWSON.

ALL SOURCES INDICATE THAT THE GOR WILL CONTINUE WITH ARRESTS; THEY FEEL IT IS NECESSARY FOR SECURITY PURPOSES AND TO ENSURE JUSTICE IS DONE. THE GOR HAS INFORMED US (VP KAGAME) THAT IT HAS DIRECTED SECURITY FORCES TO CONCENTRATE ARRESTS ON "KEY" CRIMINALS.

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TIMELINE: REQUEST STATUS REPORT ON IMPLEMENTATION AND EFFECT OF THIS ORDER.

## 2. DETENTION CENTERS/PRISONS

A. ISSUE: RELIEVE OVERCROWDING AND IMPROVE HUMANITARIAN CONDITIONS IN PRISONS.

USG POSITION: IN RESPONSE TO AN ICRC APPEAL, AID/OFDA HAS AGREED TO SUPPLY THE ICRC WITH FUNDS TO IMPROVE PRISON CONDITIONS IN RWANDA. IT IS EXPECTED THAT THE ICRC WILL MAKE FUNDS AVAILABLE TO THE GOR FOR USE IN EASING PRISON OVERCROWDING. IN ADDITION, AID'S PROGRAM MAY BE PROVIDE ASSISTANCE FOR IMPROVING PRISON CONDITIONS (A 660 WAIVER REQUIRED).

NEITHER THE USG NOR THE ICRC WANTS TO BECOME INVOLVED IN

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SETTING UP OR ADMINISTERING TEMPORARY PRISON FACILITIES.

IT IS HOPED THAT THE GOR WILL USE ICRC FUNDS TO RELIEVE THE TERRIBLE HUMANITARIAN CONDITIONS AND TAKE RESPONSIBILITY FOR REDUCING THE RATE OF NEW ARRESTS.

THE GOR MUST WORK CLOSELY WITH UNDP AND ICRC TO EXPAND DETENTION FACILITIES AND IMPROVE DETENTION CONDITIONS FOR ICRC AND USG ASSISTANCE TO BE EFFECTIVE. A/S MOOSE AND AMBS. FRIEDMAN AND RAWSON DELIVERED THIS MESSAGE DURING THEIR LATEST TRIP.

TIMELINE: REQUEST STATUS REPORT ON DISCUSSIONS WITH UNDP  
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AND ICRC. AGREEMENT ACCOMPLISHED WITHIN 1 MONTH.

B. ISSUE: REVIEW OF PRISONERS AWAITING TRIAL AND RELEASE OF THOSE WITH INSUFFICIENT EVIDENCE.

USG POSITION: IN ADDITION TO DECREASING THE NUMBER OF NEW ARRESTS, THE GOR NEEDS TO INCREASE THE RATE AT WHICH IT IS REVIEWING THE CASES OF THOSE CHARGED WITH PARTICIPATING IN THE GENOCIDE. TECHNICAL AND PERSONNEL BOTTLENECKS HAVE BEEN IDENTIFIED AND AID IS IDENTIFYING SPECIFIC ACTIONS THAT THE USG COULD TAKE TO ADDRESS THESE PROBLEMS.

IMMEDIATE MEASURES SUCH AS PROVIDING THE EQUIPMENT TO PRODUCE THE IDS AND DOSSIERS NECESSARY TO REVIEW EXISTING CASES ARE BEING CONSIDERED BY AID.

THE GOR MUST ALSO SHOW THE POLITICAL WILL NECESSARY TO INCREASE THE TRIAGE EFFORT, BOTH IN THE NATIONAL TRIAGE COMMISSION AND ON THE LOCAL LEVEL. (AT PRESENT, THE NTC IS ONLY SLOWLY WORKING ITS WAY THROUGH THE CASES OF PRISONERS IN THE KIGALI PRISON.) THE GOR CAN DO THIS BY:

PROVIDING THE FULL-TIME PERSONNEL AND RESOURCES NECESSARY TO ALLOW THE NTC TO MEET DAILY (THEY NOW MEET TWICE A WEEK).

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TIMELINE: ACCOMPLISH WITHIN 1 MONTH.

IMPLEMENT RECENT MOJ DIRECTIVE CREATING TRIAGE  
COMMISSIONS AT THE PREFECTURE LEVEL BY IDENTIFYING  
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NECESSARY PERSONNEL AND EQUIPMENT.

TIMELINE: REQUEST STATUS REPORT.

C. ISSUE: TAKE DIRECT ACTIONS TO REDUCE PRISON  
POPULATION.

USG POSITION: AMBS. RAWSON AND FRIEDMAN HAVE RAISED  
SPECIFIC ACTIONS THAT THE GOR COULD TAKE ON HUMANITARIAN  
GROUNDS TO ALLEVIATE THE OVERCROWDING IN RWANDAN PRISONS.

THE GOR HAS BEEN ASKED TO:

RELEASE THE YOUNG AND VERY ELDERLY FROM PRISON ON  
HUMANITARIAN GROUNDS.

TIMELINE: REQUEST STATUS REPORT ON GOR ACTIONS.

REMAND THOSE PRISONERS DETAINED ON MINOR (NON-GENOCIDE)  
CHARGES TO THEIR COMMUNES UNDER A BOND PROCESS OR TRY  
THEM THROUGH AN ACCELERATED JUDICIAL PROCESS.

TIMELINE: REQUEST STATUS REPORT ON GOR ACTIONS.

### 3. TRIALS

A. ISSUE: START DOMESTIC TRIALS OF THOSE ACCUSED OF  
PARTICIPATING IN THE GENOCIDE.

USG POSITION: THE GOR MUST MOVE FORWARD WITH DOMESTIC  
GENOCIDE TRIALS. WITH THE INTERNATIONAL TRIBUNAL NOW  
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GETTING OFF THE GROUND (A GOR PREREQUISITE FOR ACTION),  
THE GOR CAN NOW BEGIN TO TRY THE "LITTLER FISH" WHO  
PARTICIPATED IN THE GENOCIDE. IN ADDITION, DOMESTIC  
TRIALS WOULD ALLOW THE GOR TO QUICKEN THE PACE OF PRISON  
RELEASES AND BEGIN TO ALLEVIATE OVERCROWDING.

THE DONOR COMMUNITY IS PREPARING TO SUPPORT THE TRIALS  
WITH NECESSARY COMMODITIES, TRAINING AND THE PROVISION OF  
FOREIGN MAGISTRATES.

THE GOR MUST TAKE THE FOLLOWING STEPS TO MOVE FORWARD  
WITH GENOCIDE TRIALS:

DETERMINE WHAT SUBSTANTIVE LAW WILL BE USED IN THE TRIALS  
(MURDER OR GENOCIDE) AND TAKE LEGISLATIVE STEPS NECESSARY  
TO IMPLEMENT THIS DECISION.

TIMELINE: REQUEST STATUS REPORT.

IDENTIFY THE PERSONNEL AND RESOURCES NECESSARY TO RESTART  
TRIALS IN KIGALI.

TIMELINE: ASK WHEN GOR INTENDS TO START AGAIN.  
(DOSSIERS ARE PREPARED AND READY FOR TRIAL.)

BEGIN TRIALS IN OTHER PREFECTURES WHERE DOSSIERS ARE  
READY AND PERSONNEL AND RESOURCES CAN BE IDENTIFIED (WITH  
INTERNATIONAL HELP IF NECESSARY).

TIMELINE: ASK WHEN GOR WILL BE READY FOR ADDITIONAL  
TRIALS.

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APPOINT THE SUPREME COURT AND THE HIGH COUNCIL OF  
MAGISTRATES. (THIS MESSAGE WAS CARRIED BY A/S MOOSE AND  
AMB. FRIEDMAN. THESE STEPS ARE NEEDED TO APPOINT

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ADDITIONAL MAGISTRATES.)

TIMELINE: REQUEST STATUS REPORT ON GOR ACTION.

TAKE NECESSARY LEGISLATIVE ACTION TO DETERMINE HOW TO USE FOREIGN MAGISTRATES. (MOJ HAS SAID THAT SUCH A LAW WILL NOT BE VOTED ON UNTIL JUNE (ACCORDING TO PIERRE PROSPER).)

TIMELINE: REQUEST STATUS REPORT ON GOR ACTION.

AOJ TALKING POINTS

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1. INTRODUCTION

-- ONE OF THE CORNERSTONES OF THE EFFORT TO REBUILD AND REHABILITATE RWANDA IS THE REESTABLISHMENT OF JUSTICE AND ACCOUNTABILITY. WHEN A/S MOOSE WAS HERE IN LATE APRIL, HE REAFFIRMED THE USG'S COMMITMENT TO THIS GOAL AND TALKED ABOUT EFFORTS TO ACCELERATE OUR ASSISTANCE TO YOUR JUSTICE SYSTEM AND THE INTERNATIONAL TRIBUNAL.

-- I HAVE COME TO RWANDA TO BEGIN TO DELIVER ON THOSE PROMISES. I HAVE COME TO JOIN WITH JUSTICE GOLDSTONE TO PLACE A NEW EMPHASIS ON THE TRIBUNAL AND ITS NEEDS. I WOULD ALSO LIKE TO HIGHLIGHT A USG COMMITMENT OF 4 MILLION TO HELP REVIVE THE RWANDAN JUSTICE SYSTEM.

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-- OUR AID MISSION HAS ALREADY SIGNED AN AGREEMENT WITH THE MINISTRY OF JUSTICE TO PROVIDE THIS ASSISTANCE. WE HAVE IDENTIFIED PRACTICAL STEPS WE CAN TAKE TO HELP YOUR JUSTICE SYSTEM AND WE WILL WORK WITH THE UN AND OTHER DONORS TO COORDINATE THIS ASSISTANCE.

-- HOWEVER, FOR OUR ASSISTANCE TO BE EFFECTIVE IN STARTING UP THE RWANDAN JUSTICE SYSTEM, THERE ARE CERTAIN ACTIONS THAT WE FEEL YOUR GOVERNMENT MUST TAKE. IN PARTICULAR, THERE IS ONE URGENT PROBLEM THAT YOUR ACTIONS AND OUR ASSISTANCE CAN HELP ADDRESS.

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-- IT IS URGENT THAT WE ACT AT ONCE TO REDUCE THE OVERCROWDING AND INHUMANE CONDITIONS IN DETENTION CENTERS AND PRISONS BEFORE MORE PEOPLE DIE.

-- WE PLAN TO HELP BY PROVIDING DIRECT, PRACTICAL ASSISTANCE FOR YOUR JUSTICE SYSTEM AND BY MAKING AN ADDITIONAL CONTRIBUTION TO THE ICRC WHICH CAN BE USED TO IMPROVE PRISON CONDITIONS.

-- WE BELIEVE THAT THERE ARE SPECIFIC STEPS THAT YOUR GOVERNMENT CAN TAKE IN PARTNERSHIP WITH US TO ADDRESS THIS ISSUE BEFORE RWANDA IS FACED WITH ANOTHER HUMAN RIGHTS DISASTER.

(SUBPOINTS BELOW PROVIDE FURTHER DETAIL AND MAY BE BEST DELIVERED IN MEETINGS WITH THE MINISTRIES OF JUSTICE AND INTERIOR.)

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2. ARRESTS

-- YOUR GOVERNMENT'S RECENT ACTION DIRECTING SECURITY FORCES TO CONCENTRATE THEIR ARRESTS ON "KEY" CRIMINALS SHOULD HELP REDUCE THE FLOW OF PRISONERS INTO DETENTION CENTERS. HOWEVER, MORE CAN BE DONE ALONG THESE LINES.

-- UNIFORM, TRANSPARENT PROCEDURES FOR ARREST AND DOCUMENTATION OF FORMAL CHARGES ARE FUNDAMENTAL IF THE RWANDAN SYSTEM IS TO PROVIDE TRUE JUSTICE FOR THE GENOCIDE. SUCH PROCEDURES SHOULD REDUCE THE NUMBER OF UNWARRANTED OR UNSUBSTANTIATED ARRESTS. I URGE YOU TO DELIVER CLEAR, UNIFORM ARREST PROCEDURES TO YOUR SECURITY FORCES AT THE EARLIEST POSSIBLE DATE; PERHAPS WITHIN ONE MONTH.

-- THESE PROCEDURES SHOULD INCLUDE AN DESCRIPTION OF THE TYPES OF EVIDENCE REQUIRED FOR AN ARREST.

-- TO ENSURE THAT THESE PROCEDURES ARE UNIFORMLY APPLIED, ARRESTING OFFICERS, ESPECIALLY GENDARMES AND BOURGMESTRES, SHOULD BE DIRECTED TO WORK UNDER THE

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SUPERVISION OF THE PROSECUTORS AND THE MINISTRY OF JUSTICE.

-- IT IS IMPORTANT THAT YOUR GOVERNMENT TAKE STEPS TO CLARIFY THE PROPRIETY OF PAST ARRESTS IN ORDER TO ENSURE THAT TRIALS OF THOSE ACCUSED OF PARTICIPATING IN GENOCIDE CAN BEGIN WITHOUT FEAR OF DISMISSAL ON PROCEDURAL GROUNDS. WE ARE ENCOURAGED THAT THE MOJ HAS PROPOSED A LAW TO ADDRESS THIS ISSUE. I WOULD BE INTERESTED TO  
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LEARN THE STATUS OF THIS LAW -- HAS IT BEEN ENACTED?

-- I WOULD URGE YOUR GOVERNMENT TO ENACT SUCH A LAW AS SOON AS POSSIBLE.

### 3. DETENTION CENTERS/PRISONS

-- IN ADDITION TO WORKING TO DECREASE THE FLOW OF PEOPLE INTO THE PRISONS, THERE ARE DIRECT ACTIONS THAT CAN BE TAKEN TO IMPROVE PRISON CONDITIONS.

-- AS I NOTED, THE USG HAS AGREED TO PROVIDE THE ICRC WITH ADDITIONAL RESOURCES WHICH CAN BE MADE AVAILABLE TO YOUR GOVERNMENT TO ALLEVIATE THE HUMANITARIAN CRISES IN THE PRISONS.

-- I URGE YOU TAKE UP THE ICRC'S AND UNDP'S OFFER OF HELP IN THIS AREA. YOUR GOVERNMENT'S AGREEMENT WITH THE ICRC AND UNDP TO IMPROVE PRISON FACILITIES IS ESSENTIAL TO PROVIDING A SHORT TERM SOLUTION TO THIS TERRIBLE HUMANITARIAN PROBLEM. I WOULD BE INTERESTED TO LEARN ABOUT YOUR DISCUSSIONS WITH THESE ORGANIZATIONS.

-- I URGE YOU TO (CONTINUE TO) MEET WITH THESE ORGANIZATIONS. IT IS CRITICAL THAT YOU REACH AN AGREEMENT TO ADDRESS THESE PROBLEMS WITHIN THE NEXT MONTH.

-- ANOTHER ACTION THAT COULD REDUCE THE SUFFERING AND DEATH IN DETENTION CENTERS IS TO INCREASE PRISON RELEASES. AS A/S MOOSE AND AMB. FRIEDMAN NOTED DURING THEIR VISIT LAST MONTH, HUMANITARIAN RELEASES OF THE

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YOUNG AND VERY ELDERLY -- THOSE LEAST LIKELY TO BE  
CULPABLE -- COULD HELP, AS WOULD REMANDING PRISONERS  
DETAINED ON MINOR CHARGES TO THEIR COMMUNES. HAS YOUR  
GOVERNMENT BEGUN TO TAKE THESE STEPS?

-- IN ADDITION, IT IS CRITICAL THAT YOUR GOVERNMENT  
INCREASE THE WORK OF THE NATIONAL TRIAGE COMMISSION. I  
HAVE BEEN ENCOURAGED TO LEARN THAT THE COMMISSION HAS  
BEGUN TO REVIEW CASES OF PRISONERS HELD IN KIGALI AND  
RELEASE THOSE LACKING SUFFICIENT EVIDENCE.

-- IN ORDER TO ACCELERATE THIS WORK, I URGE YOUR  
GOVERNMENT OVER THE NEXT MONTH TO PROVIDE THE NATIONAL  
TRIAE COMMISSION WITH FULL-TIME PERSONNEL AND DIRECT IT  
TO MEET DAILY. (IT NOW MEETS ONLY TWICE A WEEK.)

-- IN ADDITION, IT WOULD BE HELPFUL IF YOUR GOVERNMENT  
COULD IDENTIFY THE PERSONNEL AND RESOURCES NECESSARY TO  
IMPLEMENT THE MINISTER OF JUSTICE'S RECENT DIRECTIVE  
CREATING PREFECTURE TRIAGE COMMISSIONS.

-- IN OUR JUSTICE ASSISTANCE PROGRAM WE HAVE IDENTIFIED  
SPECIFIC, PRACTICAL ACTIONS THAT USG CAN TAKE TO ASSIST  
IN THE EFFORT TO PURSUE ACCOUNTABILITY FOR THE GENOCIDE  
WHILE PROTECTING THE INNOCENT.

4. GENOCIDE TRIALS

-- WE ALL AGREE THAT THE DELIVERY OF JUSTICE AND  
ACCOUNTABILITY ARE ESSENTIAL TO REBUILD RWANDA. ON THE  
INTERNATIONAL FRONT, THE U.S. GOVERNMENT IS COMMITTED TO  
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GETTING THE INTERNATIONAL TRIBUNAL WORKING AS QUICKLY AS POSSIBLE. TO THAT END, THE DONORS HAVE COME TO RWANDA TO PROVIDE JUSTICE GOLDSTONE WITH THE RESOURCES NECESSARY TO EXPEDITE THE WORK OF THE TRIBUNAL, WORK WHICH I BELIEVE WILL BEGIN IN KIGALI SOON.

-- IN ADDITION TO THE INTERNATIONAL TRIBUNAL, IT IS IMPERATIVE THAT RWANDA BEGIN TO HOLD TRIALS OF THOSE ACCUSED OF PARTICIPATING IN THE GENOCIDE, CONSISTENT WITH INTERNATIONAL STANDARDS. WHEN CAN WE EXPECT YOU TO START GENOCIDE TRIALS IN KIGALI OR ELSEWHERE?

-- WE UNDERSTAND THE PROBLEMS YOUR GOVERNMENT FACES IN REVIVING YOUR LEGAL SYSTEM. THE USG AND THE INTERNATIONAL DONORS ARE WORKING WITH THE UN AGENCIES TO PROVIDE THE TECHNICAL ASSISTANCE AND COMMODITIES NECESSARY TO HELP GET YOUR JUDICIAL SYSTEM UP AND RUNNING.

-- IN ORDER FOR OUR ASSISTANCE TO BE USEFUL, YOUR GOVERNMENT MUST ALSO TAKE STEPS TO LAY THE GROUNDWORK FOR GENOCIDE TRIALS. WHILE VARIOUS DONORS HAVE OFFERED TO PROVIDE OR FUND FOREIGN MAGISTRATES TO HELP WITH THESE TRIALS, THE LACK OF A LEGAL BASIS FOR SUCH OUTSIDE HELP HAS HINDERED THEIR EFFORTS. IT IS IMPORTANT FOR YOUR GOVERNMENT TO TAKE THE LEGISLATIVE ACTION NECESSARY TO DEFINE THE ROLE WHICH FOREIGN MAGISTRATES CAN PLAY IN BRINGING JUSTICE TO RWANDA. WHAT IS THE STATUS OF THIS ACTION?

-- AS A/S MOOSE AND AMB. FRIEDMAN NOTED LAST MONTH, IT IS ALSO CRUCIAL THAT YOUR GOVERNMENT APPOINT THE SUPREME  
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COURT AND HIGH COUNCIL OF MAGISTRATES. HAS ANY ACTION BEEN TAKEN TO BEGIN THE APPOINTMENT PROCESS?

-- I UNDERSTAND THAT YOU ALSO MUST DETERMINE THE SUBSTANTIVE LAW UNDER WHICH THOSE ACCUSED OF PARTICIPATION IN GENOCIDE WILL BE TRIED (MURDER OR GENOCIDE). WHERE DOES YOUR GOVERNMENT STAND ON MAKING THIS DETERMINATION? IS LEGISLATIVE ACTION PLANNED?

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## 5. CONCLUSION

-- IN ORDER TO ADDRESS THE URGENT HUMANITARIAN CRISES IN THE RWANDAN PRISONS AND DETENTION CENTERS AND REBUILD THE RWANDAN JUSTICE SYSTEM, THE U.S., INTERNATIONAL DONORS AND YOUR GOVERNMENT MUST WORK TOGETHER.

-- WE ARE PREPARED TO PROVIDE SPECIFIC ASSISTANCE TO HELP REVIVE YOUR LEGAL SYSTEM. HOWEVER, IT IS CRUCIAL THAT YOUR GOVERNMENT TAKE THE STEPS I HAVE OUTLINED TODAY IN ORDER FOR OUR ASSISTANCE TO BE TRULY EFFECTIVE.

AOJ NON-PAPER

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## 1. ARRESTS

IT IS IMPORTANT THAT YOUR GOVERNMENT TAKE STEPS TO CLARIFY THE PROPRIETY OF PAST ARRESTS IN ORDER TO ENSURE THAT TRIALS OF THOSE ACCUSED OF PARTICIPATING IN GENOCIDE CAN BEGIN WITHOUT FEAR OF DISMISSAL ON PROCEDURAL GROUNDS. WE ARE ENCOURAGED THAT THE MOJ HAS PROPOSED A  
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LAW TO ADDRESS THIS ISSUE AND WE URGE YOU TO SEE THAT  
THIS LAW IS ENACTED.

MORE UNIFORM, TRANSPARENT ARREST PROCEDURES NEED TO BE COMMUNICATED TO SECURITY FORCES. SUCH PROCEDURES SHOULD REDUCE THE NUMBER OF UNWARRANTED OR UNSUBSTANTIATED ARRESTS. TO ENSURE THAT THESE PROCEDURES ARE UNIFORMLY APPLIED, ARRESTING OFFICERS, ESPECIALLY GENDARMES AND BOURGMESTRES, SHOULD BE DIRECTED TO WORK UNDER THE SUPERVISION OF PROSECUTORS AND THE MINISTRY OF JUSTICE.

## 2. DETENTION CENTERS/PRISONS

WE HAVE IDENTIFIED RESOURCES IN RESPONSE TO THE ICRC'S APPEAL TO HELP RELIEVE THE TERRIBLE, LIFE-THREATENING CONDITIONS IN RWANDAN PRISONS. YOUR GOVERNMENT'S AGREEMENT WITH THE ICRC AND UNDP TO EXPAND DETENTION

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FACILITIES IS ESSENTIAL TO PROVIDING A SHORT TERM SOLUTION TO THIS TERRIBLE HUMANITARIAN PROBLEM. WE URGE YOU TO MEET WITH THESE ORGANIZATIONS AND REACH AN AGREEMENT AS QUICKLY AS POSSIBLE.

ANOTHER ACTION THAT COULD REDUCE THE SUFFERING AND DEATH IN DETENTION CENTERS IS TO INCREASE PRISON RELEASES. HUMANITARIAN RELEASES OF THE YOUNG AND VERY ELDERLY -- THOSE LEAST LIKELY TO BE CULPABLE -- COULD HELP, AS WOULD REMANDING PRISONERS DETAINED ON MINOR CHARGES TO THEIR COMMUNES.

IT IS CRITICAL THAT YOUR GOVERNMENT INCREASE THE WORK OF THE NATIONAL TRIAGE COMMISSION. WE ARE ENCOURAGED THAT  
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THE COMMISSION HAS BEGUN TO REVIEW CASES OF PRISONERS HELD IN KIGALI AND RELEASE THOSE LACKING SUFFICIENT EVIDENCE. IN ORDER TO ACCELERATE THIS WORK, WE URGE YOUR GOVERNMENT TO PROVIDE THE NATIONAL TRIAGE COMMISSION WITH FULL-TIME PERSONNEL AND DIRECT IT TO MEET DAILY. IN ADDITION, IT WOULD BE HELPFUL IF YOUR GOVERNMENT COULD IDENTIFY THE PERSONNEL AND RESOURCES NECESSARY TO IMPLEMENT THE MINISTRY OF JUSTICE'S DIRECTIVE CREATING PREFECTURE TRIAGE COMMISSIONS.

### 3. GENOCIDE TRIALS

WE ALL AGREE THAT JUSTICE AND ACCOUNTABILITY ARE ESSENTIAL TO REBUILD RWANDA. THE U.S. GOVERNMENT IS COMMITTED TO GETTING THE INTERNATIONAL TRIBUNAL WORKING AS QUICKLY AS POSSIBLE. TO THAT END, THE INTERNATIONAL DONORS HAVE COME TO RWANDA TO PROVIDE JUSTICE GOLDSTONE WITH THE RESOURCES NECESSARY TO EXPEDITE THE WORK OF THE TRIBUNAL, WORK WHICH WE BELIEVE WILL BEGIN IN KIGALI SOON.

IN ADDITION TO THE INTERNATIONAL TRIBUNAL, IT IS IMPORTANT THAT THE TRIALS OF THOSE ACCUSED OF PARTICIPATING IN THE GENOCIDE BEGIN IN RWANDA, CONSISTENT WITH INTERNATIONAL STANDARDS. WE UNDERSTAND THE PROBLEMS YOUR GOVERNMENT FACES IN REVIVING YOUR LEGAL SYSTEM. THE USG AND THE INTERNATIONAL DONORS ARE WORKING WITH THE UN

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AGENCIES TO PROVIDE THE TECHNICAL ASSISTANCE AND  
COMMODITIES NECESSARY TO HELP GET YOUR JUDICIAL SYSTEM UP  
AND RUNNING.

HOWEVER, THIS ASSISTANCE CAN ONLY BE HELPFUL IF YOUR  
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GOVERNMENT TAKES STEPS TO BEGIN TRIALS IN KIGALI AND  
ELSEWHERE. IT IS CRUCIAL THAT YOUR GOVERNMENT APPOINT  
THE SUPREME COURT AND HIGH COUNCIL OF MAGISTRATES IN  
ORDER TO BEGIN TO APPOINT JUDGES. IT IS ALSO IMPORTANT  
FOR YOUR GOVERNMENT TO TAKE THE LEGISLATIVE ACTION  
NECESSARY TO DEFINE THE ROLE WHICH FOREIGN MAGISTRATES  
CAN PLAY IN BRINGING JUSTICE TO RWANDA AND TO DETERMINE  
THE SUBSTANTIVE LAW UNDER WHICH PRISONERS WILL BE TRIED.

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INTERNATIONAL TRIBUNAL  
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TALKING POINTS  
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-- THE USG IS STRONGLY COMMITTED TO DOING WHATEVER WE  
CAN TO HELP MOVE THE RWANDA TRIBUNAL FORWARD AND ENSURE  
THAT THE LEADING PERPETRATORS OF GENOCIDE AND OTHER  
ATROCITIES ARE BROUGHT SWIFTLY TO JUSTICE.

-- TO THIS END, I WOULD LIKE TO ANNOUNCE TODAY A  
VOLUNTARY CONTRIBUTION OF 3 MILLION TO THE RWANDA  
TRIBUNAL. THIS BRINGS OUR TOTAL CASH CONTRIBUTION TO  
BOTH THE YUGOSLAV AND RWANDA TRIBUNALS TO 6 MILLION. AS  
WITH THE YUGOSLAV TRIBUNAL, THE MONEY WILL BE USED TO  
HELP SET-UP THE PROSECUTOR'S OFFICE AND TO DEFRAY  
INVESTIGATION COSTS.

-- WE WOULD ALSO BE WILLING TO PROVIDE SOME FUNDS TO THE  
VOLUNTARY ACCOUNT FOR IMMEDIATE TRIBUNAL OPERATIONS,  
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SUBJECT TO UN REIMBURSEMENT. WITH THE LACK OF A UN  
BUDGET, WE UNDERSTAND THAT THIS IS CRITICAL FOR THE  
TRIBUNAL TO BEGIN WORK. WE WOULD HOPE THAT OTHER STATES  
WILL DO LIKEWISE.

-- AS WITH THE YUGOSLAV TRIBUNAL, WE ALSO PLAN TO MAKE  
AVAILABLE A SUBSTANTIAL NUMBER OF USG PERSONNEL TO WORK  
FULL-TIME FOR THE TRIBUNAL. TWO DOD INVESTIGATORS ARE IN  
COUNTRY NOW AND WE HOPE MORE PERSONNEL WILL ARRIVE SOON.

HOW TO MOVE TRIBUNAL FORWARD

UN BUDGET

-- I UNDERSTAND THAT THE UN HAS INDICATED THAT THERE ARE  
NO RESOURCES AVAILABLE AT THE MOMENT TO FUND THE RWANDA  
TRIBUNAL. WHAT CAN THE ROSG, IN CONJUNCTION WITH THE  
PROSECUTOR, DO TO BRING PRESSURE ON THE UN TO APPROVE A  
BUDGET FOR RWANDA?

SUSPECTS

-- (AFTER GOLDSTONE'S OVERVIEW) I AM PLEASED THAT YOU  
HAVE SET A RAPID SCHEDULE FOR INVESTIGATIONS AND  
INDICTMENTS. WE WOULD HOPE THAT THE TRIBUNAL, TO THE  
EXTENT FEASIBLE, COULD FOCUS ON THOSE PERPETRATORS IT CAN  
ACTUALLY GET BEFORE THE COURT.

-- ACTUAL TRIALS WILL BE CRITICAL TO BUILDING THE  
CONFIDENCE OF RWANDANS AND THE INTERNATIONAL COMMUNITY  
FOR THE TRIBUNAL AND WILL SEND A CLEAR SIGNAL THAT THE  
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INTERNATIONAL COMMUNITY MEANS BUSINESS. IT WILL  
OBVIOUSLY BE EASIER TO ARREST AND PROSECUTE THOSE LIVING  
IN EUROPE AND IN AFRICA OUTSIDE OF THE CAMPS. THAT COULD

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LAY A STRONG FOUNDATION FOR THEN MOVING TO THOSE INSIDE THE CAMPS WHO MAY BE HARDER TO SECURE. THOSE IN THE CAMPS MOST CULPABLE FOR THE GENOCIDE SHOULD ALSO BE PROSECUTED AND, WHEN THE APPROPRIATE TIME COMES, WE AND I HOPE OTHER ROSG MEMBERS WILL DO WHAT WE CAN TO ENCOURAGE NEIGHBORING STATES TO ARREST THOSE INDICTED.

-- I UNDERSTAND FROM COLIN PORT THAT THE TRIBUNAL IS IN THE PROCESS OF NARROWING A LIST OF SEVERAL HUNDRED SUSPECTS AND WILL ASK GOVERNMENTS TO MONITOR THE WHEREABOUTS OF CERTAIN INDIVIDUALS WHEN THE LIST IS SMALLER. WE ARE HAPPY TO ASSIST IN THIS PROCESS AND THINK THAT THE SOONER WE CAN BEGIN MONITORING POTENTIAL SUSPECTS, THE MORE LIKELY GOVERNMENTS WILL BE TO BE IN A POSITION TO ARREST THEM WHEN THE TIME COMES.

-- IT IS ALSO CRITICAL THAT ROSG MEMBERS BEGIN SHARING INTELLIGENCE AND OTHER INFORMATION WITH THE TRIBUNAL TO HELP IN ITS INVESTIGATIONS. I WOULD THUS URGE STATES TO WORK CLOSELY WITH THE TRIBUNAL TO PROVIDE ALL PROBATIVE INFORMATION REGARDING THE CAMPAIGN OF GENOCIDE AND THE PERSONS ALLEGEDLY CONNECTED THERETO AS SOON AS POSSIBLE.

-- IF STATES COULD DETERMINE WHETHER ANY ALLEGED SUSPECTS ARE IN THEIR COUNTRIES, THIS COULD ALSO HELP TO EXPEDITE THE TRIBUNAL'S WORK.

LOGISTICS

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-- WHAT IS THE STATUS OF TRIBUNAL HOUSING, VEHICLE AND OTHER LOGISTICAL NEEDS?

-- DO OTHER GOVERNMENTS HAVE HOUSING OR VEHICLES THEY COULD MAKE AVAILABLE TO THE TRIBUNAL?

COORDINATION WITH GOR

-- WHAT ARRANGEMENT HAS THE TRIBUNAL MADE WITH THE GOR FOR COORDINATING TRIBUNAL WORK WITH NATIONAL PROSECUTIONS AND THE SHARING BY THE GOR OF PERTINENT WITNESS

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INFORMATION? DO FURTHER CONVERSATIONS NEED TO OCCUR?

COORDINATION WITH HUMAN RIGHTS FIELD OFFICE

-- THE RELATIONSHIP BETWEEN THE TRIBUNAL AND THE HR MONITORS HAS BEEN A PERSISTENT ISSUE, WITH THE MONITORS ENGAGED IN INVESTIGATIONS OF THE GENOCIDE. IT IS IMPORTANT TO MAKE SURE THAT THE MONITORS ARE HELPFUL TO THE TRIBUNAL AND THAT THEY DO NOT INTERFERE WITH TRIBUNAL WORK.

-- I UNDERSTAND THAT THE HUMAN RIGHTS CENTER PROPOSED AN AGREEMENT BETWEEN THE CENTER AND THE TRIBUNAL, WHICH I UNDERSTAND THE TRIBUNAL FOUND INADEQUATE.

-- WHAT IS THE STATUS OF AN AGREEMENT? WHAT MORE NEEDS TO BE DONE TO ENSURE CLEAR MANDATE AND LINES OF AUTHORITY?

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SET-UP OF ARUSHA OPERATION

-- WHAT IS THE TIME-TABLE FOR THE SET-UP OF THE ARUSHA OPERATION? HOW CAN ROSG MEMBERS HELP?

UNAMIR MANDATE

-- WE ARE IN THE PROCESS OF WORKING THROUGH THE EXTENSION OF THE UNAMIR MANDATE. OBVIOUSLY, CONTINUED PROTECTION OF TRIBUNAL PERSONNEL IS A CRITICAL COMPONENT OF THE UNAMIR MANDATE, AND WE WISH TO ENSURE THAT MANDATE IS MAINTAINED.

GOLDSTONE SIDEBARS

FBI WEAPONS

-- I AM PLEASED THAT YOU ARE WILLING TO CONSIDER SOME COMPROMISE ARRANGEMENT ON THE ISSUE OF WHETHER THE FBI (AND DOD PERSON) CAN CARRY FIREARMS. THIS IS A CRITICAL ISSUE FOR THE FBI'S PARTICIPATION IN THE TRIBUNAL.

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-- UPON FURTHER THINKING, I WAS WONDERING WHETHER IT MIGHT BE POSSIBLE FOR THE FBI PERSONNEL TO LOCK UP THEIR WEAPONS WHILE IN KIGALI AND TO CARRY THEM ONLY WHEN APPROPRIATE, FOR EXAMPLE, WHEN THEY ARE GOING OUT INTO THE COUNTRYSIDE FOR INVESTIGATIONS.

-- SPECIFIC RULES COULD ALSO BE WORKED OUT SUCH AS NOT DISPLAYING THE WEAPONS AND ONLY USING THEM IF THEIR LIVES WERE IN JEOPARDY.

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-- ALTHOUGH I HAVE NOT YET RAISED THIS WITH THE FBI, AND OBVIOUSLY CANNOT SPEAK FOR THEM, IF YOU WERE TO AGREE, THIS COULD BE AN ARRANGEMENT WE COULD EXPLORE WITH THEM.

-- COULD YOU AGREE WITH THIS SO WE CAN APPROACH THE FBI AND SEEK TO FINALIZE THEIR PARTICIPATION?

ARUSHA SET-UP

-- WE WOULD LIKE TO HELP YOU SET-UP THE ARUSHA OPERATION AS SOON AS POSSIBLE SO THE TRIBUNAL CAN GET UNDERWAY.

-- WE UNDERSTAND A UN BUILDING SURVEY TEAM IS CURRENTLY IN THE FIELD. WE ARE EXPLORING WHETHER WE COULD MAKE A RETIRED ADMINISTRATIVE OFFICER WITH AFRICA EXPERIENCE AVAILABLE FOR SEVERAL MONTHS TO HELP START UP THE OPERATION. THE PERSON COULD BE VERY HELPFUL IN EQUIPPING FACILITIES, ORDERING SUPPLIES, IDENTIFYING HOUSING FOR PERSONNEL AND MAKING OTHER NECESSARY ARRANGEMENTS. IS THIS SOMETHING THAT WOULD INTEREST YOU?

--OF COURSE, UN SUPPORT WILL ALSO BE CRITICAL TO SET-UP THE OPERATION. WHAT ADMINISTRATIVE RESOURCES IS THE UN MAKING AVAILABLE AND WHEN WILL THEY BE DEPLOYED?

HR MONITORS

-- WE ARE IN THE PROCESS OF HAVING DISCUSSIONS WITH THE HUMAN RIGHTS CENTER ABOUT ITS MONITORING FIELD

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OPERATION. ONE OF THE ISSUES WE WOULD LIKE TO DISCUSS IS  
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THE NEED FOR THE ESTABLISHMENT OF A CLEAR MANDATE AND THE  
REMOVAL OF THE MONITORS FROM EXTENSIVE INVESTIGATIONS  
INTO THE GENOCIDE.

-- IF THERE WERE SPECIFIC REFORMS THAT WOULD BE  
PARTICULARLY HELPFUL TO THE TRIBUNAL, WE COULD RAISE THEM  
WITH GENEVA. WHAT STANDS IN THE WAY OF CONCLUDING AN  
AGREEMENT BETWEEN THE TRIBUNAL AND THE HR CENTER? ARE  
THERE ANY OTHER CHANGES IN THE MONITORING PROGRAM THAT  
ARE NECESSARY FOR THE TRIBUNAL'S WORK?

-----  
HUMAN RIGHTS MONITORS  
-----

BACKGROUND  
-----

CURRENT SITUATION

AS OF MAY 5, THERE WERE 124 HUMAN RIGHTS FIELD OFFICERS  
(53 FIXED TERM STAFF, 36 UN VOLUNTEERS, 32 EU FIELD  
OFFICERS, AND 3 EXPERTS PROVIDED BY NORWAY AND  
SWITZERLAND TO CONDUCT INVESTIGATIONS).

THE HRFOR HAS 11 FIELD OFFICES. NINE OFFICES ARE  
PREFECTURAL HEADQUARTERS: BUTARE, CYANGUGU, GIKONGORO,  
GISENYI, GITARAMA, KIBUNGO, KIGALI, AND RUHENGERI. THE  
OTHER TWO OFFICES ARE IN THE SOUTHWEST: RWAMAGANA AND  
RILIMA.

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ACCORDING TO MARK FROHART, HRFOR'S NEW DEPUTY FOR  
OPERATIONS, THE FIELD OFFICE IS DIVIDED INTO THREE  
FUNCTIONAL UNITS: THE LEGAL ASSISTANCE AND COOPERATION  
UNIT (LACU), WHICH HAS REPLACED THE SPECIAL  
INVESTIGATIONS UNIT, THE TECHNICAL COOPERATION UNIT  
(TCU), AND THE MONITORING UNIT (MU).

TO MEET THE CHALLENGE OF THE HUMAN RIGHTS SITUATION IN  
THE AFTERMATH OF THE FORCIBLE CLOSURE OF THE IDP CAMPS IN  
GIKONGORO PREFECTURE, HRFOR HAS TAKEN EMERGENCY MEASURES  
IN THOSE AREAS TO WHICH IDP'S ARE RETURNING. THUS, AN  
EMERGENCY COORDINATION STRUCTURE HAS BEEN ESTABLISHED IN  
BUTARE, COVERING THE PRINCIPALLY AFFECTED AREAS IN  
GIKONGORO, BUTARE AND BUGESERA. THIS EMERGENCY TEAM WAS  
COMPOSED OF 20 FIELD OFFICERS - 8 WHO WERE MOVED IN FROM  
OTHER TEAMS AND 12 EU MONITORS WHO HAD JUST FINISHED  
TRAINING.

ON APRIL 22, THE KIBEHO IDP CAMP ERUPTED IN VIOLENCE  
WHICH LED TO THE DEATHS OF, PERHAPS, THOUSANDS OF PEOPLE  
(ESTIMATES RANGE FROM APPROX 400 - 4,000). ON APRIL 23  
FIELD OFFICERS REPORTED ABOUT CONDITIONS ALONG THE ROADS  
USED BY RWANDANS WHO HAD FLED THE CAMPS. HOWEVER, IT WAS  
NOT UNTIL APRIL 29TH THAT TWO HRFOR OFFICERS GAINED  
ACCESS TO THE CAMP TO ASSESS THE SITUATION. HARASSMENT,  
ASSAULTS AND, IN SOME CASES, KILLINGS CONTINUE TO BE  
PERPETRATED AGAINST THOSE SEEKING TO RETURN TO THEIR HOME  
COMMUNES. HRFOR TOOK STEPS TO FACILITATE THE RETURN OF  
DISPLACED PERSONS AND TO PROMOTE THE ESTABLISHMENT OF  
MIXED COMMISSIONS IN A NUMBER OF COMMUNITIES RECEIVING  
PERSONS FROM THE KIBEHO CAMP. FIELD OFFICERS ALSO  
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FOLLOWED UP ON THE SITUATION OF THE RETURNEES. ANOTHER  
IMPORTANT FUNCTION OF THE HRFOR DURING THE CRISIS WAS TO  
HELP EFFORTS LAUNCHED BY NGOS FOR HUMANITARIAN ASSISTANCE.

THE DETERIORATING SITUATION IN KIBUNGO HAS LED TO AN  
INCREASE IN THE NUMBER OF FIELD OFFICERS DEPLOYED IN THE  
AREA AND A REQUIREMENT THAT THEY DO MORE REPORTING TO THE

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CENTRAL GOVERNMENT. REPORTS FROM THE FIELD INDICATE THAT THE HUMAN RIGHTS SITUATION HAS CONTINUED TO WORSEN ACROSS THE COUNTRY, WITH INCREASED REPORTS OF ARBITRARY ARRESTS, TORTURE, KILLINGS AND DISAPPEARANCES. THE HUMAN RIGHTS CENTER DOES NOT BELIEVE THE VIOLATIONS ARE A PART OF A SYSTEMATIC POLICY, BUT PRIMARILY THE RESULT OF STRESSES ON A SOCIETY WHICH DOES NOT HAVE AN EFFECTIVE JUDICIAL SYSTEM. A COMMISSION OF INQUIRY WILL BE ISSUING A REPORT AT THE END OF MAY WHICH SHOULD SHED LIGHT ON THE EVENTS WHICH OCCURRED AT THE KIBEHO IDP CAMP IN APRIL, INCLUDING WHETHER THERE WAS GOR INVOLVEMENT OR COMPLICITY.

FINANCIAL SITUATION

ACCORDING TO THE HUMAN RIGHTS CENTER, HRFOR NOW HAVE ENOUGH MONEY TO REMAIN OPERATIONAL UNTIL JUNE 30, NOT COUNTING THE 2 MILLION POUND U.K. PLEDGE (WHICH HAS NOT YET BEEN PAID). ONCE THAT IS PAID OUT, GIVEN THE 3 MILLION THE PROGRAM OWES THE CERF, THEY WILL STILL BE OUT OF FUNDS.

WE HAVE MADE HEADWAY IN OUR EFFORTS TO FIND FUNDS FOR A SECOND USG CONTRIBUTION. PRM HAS AGREED TO CONTRIBUTE 500,000 AND USAID'S OFFICE OF TRANSITION INITIATIVES LIMITED OFFICIAL USE

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WILL MATCH THAT AMOUNT. HOWEVER, WE MAY HAVE TO WAIT SOME TIME BEFORE PRM'S FUNDS BECOME AVAILABLE BECAUSE THEY HAVE TO MAKE A REQUEST TO CONGRESS (WHICH IS ACTUALLY PART OF A LARGER REQUEST FOR FUNDS WHICH WILL PAY FOR A NUMBER OF PRM PROJECTS) AND THEN WAIT FOR THE FUNDS TO BE MADE AVAILABLE. THE PROPOSED CONTRIBUTION TO HRFOR WILL BE CONDITIONED UPON THE HUMAN RIGHT'S CENTER BEING ABLE TO DEMONSTRATE THAT IMPROVEMENTS IN THE OPERATION AND MANAGEMENT OF THE PROGRAM ARE UNDERWAY. IT WILL BE INFLUENCED BY A REVIEW OF HRFOR OPERATIONS AND LEADERSHIP.

USAID/OTI-FUNDED HUMAN RIGHTS FIELD OFFICE

THE OFFICE OF TRANSITION INITIATIVES (OTI) HAS AGREED TO FUND THE RWANDA TRANSITION TEAM, A HUMAN RIGHTS PROGRAM

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WHICH WILL BE DIRECTED BY STEVE SMITH, AN AID CONTRACTOR. THE TEAM WILL IMPLEMENT A DECENTRALIZED PROGRAM PROMOTING POLITICAL DEVELOPMENT THROUGH COMMUNITY BASED MICRO-PROJECTS AND INITIATIVES. AMONG OTHER THINGS, THIS TEAM WILL FUND CERTAIN SOCIO-ECONOMIC DEVELOPMENT PROJECTS OUTLINED BY THE NEW HRFOR FIELD OPERATIONS DIRECTOR IN AN EFFORT TO ENCOURAGE CONFIDENCE, RE-ESTABLISH CIVIL SOCIETY AND IMPROVE RELATIONS WITH GOR. THE PROGRAM TO BE IMPLEMENTED BY THE RWANDA TRANSITION TEAM WILL BE FUNDED AT 1,000,000.

TALKING POINTS

POINTS FOR USE WITH RWANDA GOVERNMENT:  
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-- THE US HAS SUPPORTED THE HUMAN RIGHTS MONITORS PROGRAM FROM THE OUTSET; WE HAVE THUS FAR CONTRIBUTED 860,000 TO IT AND ARE NOW PREPARING TO MAKE A SECOND, VERY SUBSTANTIAL CONTRIBUTION.

-- WE KNOW THAT THE OPERATION HAS HAD DIFFICULTIES ESTABLISHING ITSELF, IN WORKING OUT ITS MANDATE, MEETING LOGISTICAL AND ORGANIZATIONAL CHALLENGES, AND CONNECTING WITH RWANDAN SOCIETY.

-- I BELIEVE THAT PROGRESS IS BEING MADE, HOWEVER, AND WE INTEND TO WORK CLOSELY WITH THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS TO ENSURE THAT CURRENT PROBLEMS ARE IDENTIFIED AND RESOLVED EXPEDITIOUSLY.

-- I BELIEVE THE MONITORS CAN PLAY A VERY USEFUL ROLE IN HELPING THE GOR CREATE CONDITIONS THAT WILL FACILITATE REFUGEE RETURN AND A RETURN TO NORMALCY.

-- I SALUTE YOUR INTEREST IN SUPPORTING AND WORKING WITH THE MONITORS PROGRAM, AND I URGE THE RWANDAN OFFICIALS TO CONTINUE TO COOPERATE WITH THEIR WORK. I BELIEVE THIS PROGRAM CAN BE AN IMPORTANT TOOL FOR ACHIEVING RECONCILIATION IN RWANDA.

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-- I WOULD BE INTERESTED IN LEARNING ABOUT THE  
GOVERNMENT OF RWANDA'S RELATIONSHIP AND INTERACTIONS WITH  
THE HUMAN RIGHTS FIELD OFFICE AND THE MONITORS PROGRAM.

-- I WOULD ALSO BE INTERESTED IN HEARING YOUR VIEWS ON  
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THE MONITORS' ACTIVITIES AND ACCOMPLISHMENTS, AND ANY  
WEAKENESSES IN THE PROGRAM THAT YOU BELIEVE NEED TO BE  
ADDRESSED.

IF ASKED

-- I AGREE THAT THE MONITORS NEED TO UNDERSTAND THE  
HISTORICAL CONTEXT OF RWANDA AND PARTICULARLY THE  
GENOCIDE. THAT IS ONE REASON WE HAVE BEEN INSTRUMENTAL  
IN ASSISTING WITH THE SETTING UP OF A TRAINING PROGRAM  
FOR THEM WHICH INCLUDES THIS HISTORICAL BACKGROUND.  
HOWEVER, IN ORDER TO MAINTAIN THE INTEGRITY OF THE  
PROSECUTORIAL EFFORT, THE ACTUAL INVESTIGATION OF THE  
GENOCIDE SHOULD BE LEFT TO THE TRIBUNAL.

-- THE USG IS ALSO WORKING WITH CHIEF PROSECUTOR  
GOLDSTONE TO ENSURE THAT THE TRIBUNAL'S WORK ON GENOCIDE  
INVESTIGATIONS AND EFFORTS BEING MADE BY THE MONITORS ARE  
COMPLIMENTARY.

POINTS FOR USE WITH REPRESENTATIVES OF OTHER DONOR  
GOVERNMENTS:

-- THE US HAS SUPPORTED THE HUMAN RIGHTS MONITORS  
PROGRAM FROM THE OUTSET; WE HAVE THUS FAR CONTRIBUTED  
860,000 TO IT AND ARE NOW PREPARING TO MAKE A SECOND  
CONTRIBUTION OF SOME ONE MILLION DOLLARS.

-- THE US HAS DECIDED TO MAKE THIS SECOND CONTRIBUTION  
TO THE HRFOR, GIVEN THE FINANCIAL PRESSURE THE PROGRAM IS  
COMING UNDER AND IN ORDER TO ENSURE THAT THERE WILL BE NO  
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NEED TO DRAW DOWN MONITORS IN THE IMMEDIATE FUTURE.

-- WE WOULD WELCOME CONTINUED SUPPORT BY YOUR GOVERNMENT AS WELL. THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND HIS STAFF IN GENEVA, AS WELL AS THE HRFOR HERE IN KIGALI AND THE MONITORS THEMSELVES, SHOULD BE ASSURED THAT THEY WILL NOT BE PULLED OUT BEFORE THEIR WORK IS ACCOMPLISHED DUE TO LACK OF INTERNATIONAL SUPPORT.

-- WE DO, HOWEVER, BELIEVE THAT CONTRIBUTIONS SHOULD BE TIED TO UNDERSTANDINGS WITH REGARD TO THE LEADERSHIP AND MISSION OF THE HRFOR. WE WILL BE DISCUSSING WITH THE HIGH COMMISSIONER THE NEED TO IMPROVE THE CURRENT LEADERSHIP, WHICH HAS NOT BEEN EFFECTIVE IN DEALING WITH LOGISTICAL AND ORGANIZATIONAL CHALLENGES, IN DEVELOP A CLEAR VISION FOR THE MISSION, AND IN MAKING THE MONITORS AN ESSENTIAL ELEMENT IN THE RECONCILIATION EFFORT IN THIS COUNTRY.

-- WE HOPE THAT YOUR GOVERNMENT WILL CONSIDER AN ADDITIONAL (OR AS APPROPRIATE: FIRST) CONTRIBUTION, BUT THAT YOU FIRST DISCUSS WITH THE HIGH COMMISSIONER YOUR EXPECTATIONS REGARDING THE NEED FOR THE HRFOR DEAL WITH THESE ISSUES.

-- I WOULD LIKE TO SHARE WITH YOU OUR THINKING ALONG THESE LINES AND LEAVE WITH YOU A PAPER CONTAINING THE KIND OF CONDITIONS WE BELIEVE SHOULD BE ATTACHED TO THE GRANTING OF FINANCIAL SUPPORT TO THE MONITORS PROGRAM.

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OTHER HUMAN RIGHTS ISSUES  
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## POINTS

-- THE RWANDAN GOVERNMENT HAS DECIDED TO SET UP AN AUTONOMOUS NATIONAL COMMISSION ON HUMAN RIGHTS. WE SHOULD APPLAUD THIS EFFORT, RECOMMEND ITS CLOSE COLLABORATION WITH INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS AND FIND OUT IF THERE ARE WAYS WE CAN HELP IT BRING ITS SERVICES TO RWANDANS ACROSS THE COUNTRY.

-- THE PRESS HAS BEEN ALLOWED TO OPERATE FAIRLY FREELY SINCE THE WAR, WITH PRO-GOVERNMENT PRESS DOMINATING THE JOURNALS. OPPOSITION VOICES HAVE AT TIMES BEEN INTIMIDATED AND AT LEAST ONE JOURNALIST BEATEN UP. WHILE PRAISING THE FREEDOMS WHICH PRESS ENJOYS, YOU MIGHT URGE VIGILANCE THAT OPPOSITION VOICES NOT BE INTIMIDATED OR STILLED AND THAT THE PROPAGANDISTIC ATTACKS BY NATIONAL RADIO AGAINST THE EFFORTS OF THE INTERNATIONAL COMMUNITY, WHICH IS ONLY HERE TO HELP THE RWANDAN PEOPLE, BE TONED DOWN.

-- REGULAR, TRANSPARENT PROCEDURES FOR ARREST AND DOCUMENTATION OF FORMAL CHARGES ARE FUNDAMENTAL RIGHTS WHICH MUST BE INSTITUTED IF TRUE JUSTICE IS TO BE CARRIED OUT AGAINST GENOCIDE IN RWANDA. YOU SHOULD URGE EARLIEST POSSIBLE REGULARIZATION OF ARREST AND DOCUMENTATION PROCEDURES.

-- PRISON CONDITIONS WHICH ARE LIFE-THREATENING, NOT TO  
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MENTION DEATHS BY SUFFOCATION IN DETAINMENT CELLS, ARE GROSS VIOLATIONS OF BASIC HUMAN RIGHTS. YOU SHOULD URGE CLOSE COOPERATION OF THE GOVERNMENT WITH ICRC AND UNDP IN EXPANDING DETENTION FACILITIES. WE ARE PREPARED TO PROVIDE FUNDS TO HELP THEM DEAL WITH THIS HUMANITARIAN AND HUMAN RIGHTS ISSUE.

-- THE RIGHT TO PROPERTY IS A FUNDAMENTAL RIGHT WHICH THE GOVERNMENT HAS REPEATEDLY SUPPORTED. YET, THE TEMPORARY EMERGENCY CREATED BY RETURNING POPULATIONS HAS CREATED SITUATIONS IN WHICH THAT RIGHT IS NOT BEING RESPECTED.

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WE ARE PREPARED TO HELP THE GOVERNMENT WITH TECHNICAL ASSISTANCE AT NATIONAL AND LOCAL LEVELS TO SORT OUT THIS COMPLEX PROBLEM AND GIVE PEOPLE THEIR RIGHTFUL PROPERTIES.

-- THE RIGHT OF CITIZENS TO PARTICIPATE IN DECISIONS THAT AFFECT THEM CLOSELY IS A KEY PRINCIPLE OF GOOD GOVERNANCE. DEVELOPMENT OF LOCAL GOVERNMENT, CIVIL INSTITUTIONS AND COMMUNITY ACTIVITIES ARE A CRITICAL PART OF REBUILDING RWANDA. OUR RAPID ASSISTANCE TO JUSTICE TEAM HAS EMPHASIZED THE IMPORTANCE OF LOCAL INSTITUTIONS. WE WOULD LIKE TO CONTINUE THE DIALOGUE ON HOW WE MIGHT HELP IN THE DEVELOPMENT OF EFFECTIVE, RESPONSIVE INSTITUTIONS AT THE LOCAL LEVEL.

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